

3 GENERAL ORDINANCE NO. G- 06-78

4 AN ORDINANCE amending General
5 Ordinance No. G-41-77

6 WHEREAS, heretofore on November 22, 1977, the Common Council
7 of the City of Fort Wayne, Indiana, by General Ordinance No. G-41-77 adopted
8 a plan for establishing a Merit Commission for the Fort Wayne Fire Department,
and among other things providing for selection of members of said commission;

9 WHEREAS, it is necessary to amend Section 2 of said ordinance;

10 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
11 OF THE CITY OF FORT WAYNE, INDIANA THAT:

12 Section 2 of General Ordinance No. G-41-77 is hereby amended
13 to read as follows:

14 QUALIFICATION AND SELECTION OF COMMISSIONERS

15 Within one hundred fifty (150) days after the adoption
16 of the Ordinance, the Fire Department Merit Commission shall be selected
17 as hereinafter provided. The Commission shall consist of five members.
18 The members of the Commission shall be residents of the City of Fort
19 Wayne and persons of good moral character. No more than three of
20 the Commissioners shall be members of the same party. Two, but no
more than two, of said members may be from the retired list of the Fort
Wayne Fire Department and the remaining three members of the Commission
shall be drawn from a broad cross section of persons representative
of the citizens of the City and shall have an interest in, or a knowledge
or understanding of, the various phases of the fire service, as performed
by the Fire Department. Persons shall be ineligible to serve as members
of the Commission if they hold elected or appointed positions as officers
of any governmental entity, or full time employment as officers or employees
of any governmental entity, or if they have held any such employment
in the preceding four years. Every member appointed or elected to the
Commission shall take and subscribe to an oath that he will conscientiously
and faithfully discharge the duties of the office. Said oath shall be filed
with the City Clerk.

26 The members of the Commission shall be selected as hereinafter
27 set forth. The active members of the Fire Department shall elect two
28 members of the Commission. One shall be a member of one of the parties
and the second a member of the other of the two parties. The Mayor
29 shall then make one appointment to the Merit Commission, after which
the Common Council shall make one appointment to the Merit Commission,
30 who shall be a member of the other party from the member of the Commission
appointed by the Mayor. The four Commissioners so elected shall select
a fifth member by unanimous vote. Of the two members first elected
31 by the active members of the Fire Department, one shall serve for a
term of four years and one shall serve for a term of two years. The
32 candidate receiving the highest number of votes by active members of
the Fire Department shall serve the four year term and the candidate
33 who is a member of the other party and who receives the highest number
of votes of candidates from said party shall serve the two year term.
34 The first Commissioner appointed by the Mayor shall serve for one year.
35 The first Commissioner appointed by the Common Council shall

APPROVED AS TO FORM
AND LEGALITY.


CITY ATTORNEY

1 serve for three years. The fifth Commissioner, selected by unanimous
2 vote by the other four, shall serve for a term of four years. Upon the
3 expiration of the aforesaid terms, the terms of each Commissioner shall
4 be for four years.

5 For the purpose of selecting candidates to be elected by the
6 active members of the Fire Department to serve as members of the Fire
7 Commission, there shall be a nominating committee from each of the two
8 parties. Each such committee shall consist of five members. The Board
9 of Safety shall designate a period of ten days in which to call for and
10 receive the name of any active member of the Fire Department who wishes
11 to serve on one of the two nominating committees. Any such member
12 shall make application to the Board, in writing, within the designated
13 period, identifying the party of which he is a member on his application.
14 In the event there are fewer than five applicants, the Board of Safety
15 shall nominate additional firefighters so that there shall be five.

16 At the close of the ten day period, the Board shall compile
17 a list of each of the two parties showing the names of all those wishing
18 to serve on the nominating committee of their respective parties. A meeting
19 shall then be called by the Board for members of each of the two parties.
20 All those who have made application to the Board, or who have been
21 nominated by the Board, shall be notified to attend the meeting of their
22 respective parties. If the number of applicants for the nominating committee
23 exceeds five, an election shall be held. The Board of Safety shall conduct
24 such election. Each applicant shall vote for five applicants by secret
25 ballot. The five applicants receiving the highest number of votes shall
26 be elected to the nominating committee.

27 It shall be the responsibility of each nominating committee
28 to canvass the community, including members of the retired list of the
29 Fire Department and to select three candidates for election as a member
30 of the Commission. When selected, the names of the candidates shall
31 be placed on ballots to be used in the election as provided for hereinafter.
32 At such election, each voter shall vote for two candidates, one from each
33 of the two parties.

34 Each nominatng committee shall organize itself with a chairperson
35 and a vice-chairperson.

36 The elections by the active members of the Fire Department
37 shall be made at meetings held on three consecutive days, called for
38 such purpose by the Board of Safety. The Board shall give at least
39 three weeks' notice of said meetings to all members of the Fire Department
40 by posting a copy of the notice in all Fire Company locations, and by
41 sending every active member of the Fire Department a notice indicating
42 the time and place of said meetings. No one shall be entitled to be present
43 at the meetings and exercise the right to vote unless he is a member
44 of the Fire Department.

45 Each of the nominating committees, as provided for above,
46 shall choose from its own membership one person to serve as a co-chairperson
47 of the election. Said co-chairpersons shall have charge of the conduct
48 of the election. Voting shall be by secret ballot and the candidate receiving
49 the highest number of votes of candidates from said party shall be elected
50 as members of the Commission. Active members of the Fire Department
51 who are on vacation, ill, injured, or otherwise unable to attend either
52 such meeting may vote by written proxy. Said proxy must be notarized
53 and put into a sealed envelope and sent to the co-chairpersons prior
54 to the election and opened and counted immediately after the counting
55 of the ballots at said meeting. The results of the election shall be tabulated
56 and filed with the City Clerk.

Upon the completion of the term of a Commissioner elected by the active members of the Fire Department, or upon any such Commissioner's leaving office for any other reason, the same procedure shall be followed for the election of a new Commissioner as hereinabove specified except that the Board of Safety shall designate a period of ten days in which to call for and receive the name of any active member of the Fire Department who wishes to serve on the nominating committee and who is a member of the same party as the Commissioner whose term has expired or who has left office for any other reason. In the event there are fewer than five applicants, the Board of Safety shall nominate additional firefighters so that there shall be five. At the close of such ten day period, the Board shall call a meeting for members of said party. All those who have made application to the Board, or have been nominated by the Board, shall be notified to attend the meeting. If the number of applicants exceeds five, an election shall be held. The Board of Safety shall conduct such election. Each applicant shall vote for five applicants by secret ballot. The five applicants receiving the highest number of votes shall be elected to the nominating committee. It shall be the responsibility of the nominating committee so selected to submit a list of three candidates who shall be members of the same party as the members of the nominating committee. The election thereafter held shall be under the supervision of the nominating committee so chosen and confined to the three candidates selected by said committee but all active members of the Fire Department shall be entitled to vote at said election.

SECTION 3. All of said General Ordinance No. G-41-77 except as herein amended by this Ordinance shall be and remains in full force and effect.

SECTION 4. This Ordinance shall be effective on date of its adoption.

Vivian G. Schmidt
Vivian G. Schmidt
Councilwoman

Approved as to form and legality.

Jim Logan, Attorney for Common Council

Read the first time in full and on motion by V. Schmidt, seconded by

Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 2-14-78

Charles W. Whittemore
CITY CLERK

Read the third time in full and on motion by V. Schmidt,

seconded by Hunter, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>0</u>	<u>1</u>	<u>1</u>	
<u>BURNS</u>	<u>X</u>				
<u>HINGA</u>				<u>X</u>	
<u>HUNTER</u>	<u>X</u>				
<u>MOSES</u>	<u>X</u>				
<u>NUCKOLS</u>	<u>X</u>		<u>X</u>		
<u>SCHMIDT, D.</u>	<u>X</u>				
<u>SCHMIDT, V.</u>	<u>X</u>				
<u>STIER</u>	<u>X</u>				
<u>TALARICO</u>	<u>X</u>				

DATE: 2-28-78

Charles W. Whittemore
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 2-06-78 on the 28th day of February, 1978

ATTEST: (SEAL)

Charles W. Whittemore
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 1st day of March, 1978 at the hour of 11:30 o'clock A M., E.S.T.

Charles W. Whittemore
CITY CLERK

Approved and signed by me this 10th day of March, 1978, at the hour of 10:25 o'clock A M., E.S.T.

Robert E. Elmsworth
MAYOR

Bill No. G-78-02-18

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
Amending General Ordinance No. G-41-77 (Fire Merit Ordinance)

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance 100 PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

JOHN NUCKOLS - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD J. SCHMIDT

JAMES S. STIER

Vivian G. Schmidt

James S. Stier

228-78
DATE CHARLES W. WILKINSON, CITY CLERK

Unofficial Comments On Fire Merit Commission Amendment

The amended changes to Article II of General Ordinance G-41-77 are by allowing 150 days to select Fire Merit Commission, instead of 90 days, and the elections by the active members of the Fire Department shall be made at meetings held on three consecutive days, instead of two.

Paragraph 4. Any firefighter not a member of the "two parties" would be without representation and denied the right to serve on the committee selecting the nominees.

Paragraph 5. While the section suggests retired firefighters as members of the Commission, only those retired more than four years would be eligible.

Paragraph 8. The section provides for cross over voting, i.e. all of the members of the American Party could vote for the nominee of the Socialist Labor Party.

Paragraph 4. "The Board (of Safety) shall compile a list of each of the two parties. . ." In what manner is the Board to ascertain members of the party, e.g. American Party.

Paragraph 3. Firefighters are required to identify membership in a party to serve on the nominating committee.

Paragraph 4. Only applicants may vote for five applicants. "Each applicant shall vote for five applicants by secret ballot". Doubt they mean applicants.

Paragraph 5. After two nominating committees are elected, the nominating committees select three candidates to be placed on the ballots.

Paragraph 5. Requires firefighters to vote for two candidates - presumably ballot invalid if failed to have two.

Paragraph 8. ~~Vote~~ for person not member of same party does not count.

Very cumbersome.

